

REMARKS/ARGUMENTS

Applicants elect Group I, without traverse.

The claims were restricted under PCT Rules 13.1 and 13.2 for allegedly not being linked by the same or a corresponding technical feature so as to form a single general inventive concept. The Examiner argues that a special technical feature that could link the inventions did not define a contribution over the prior art in light of U.S. Pat. No. 5,849,486 to Heller et al. Heller described a device having a matrix of electrodes formed on a substrate. An electric field may be applied to selected electrodes to attract charged particles that are floating in a liquid over the matrix. This concentrates selected charged particles in the vicinity of the electrode to boost the intensity of a fluorescence measurement taken at the electrode. The fluorescence measurement is done by shining light from an external illumination source (see element 134 in Fig. 9) to excite fluorescent dyes or moieties on the particles attracted to the electrode. The fluorescent light generated by the particles is then detected by a detector (see element 148 in Fig. 9).

The device of instant claim 1 includes

- a means for applying an electric signal to the first electrode
 - a means for detecting signals resulting from the application of the signal to the first electrode; and
 - a means for determining a characteristic of the particle or cell from the detected signal.
- In the Heller et al device, no electric signal is applied to the electrodes themselves to produce a detected signal with information about the particles. The light signal used to excite fluorescence in the particles is generated by an external illumination source, not the electrodes. The device of claim 1 includes, inter alia, a means for detecting signals resulting from the application of the [electric] signal to the first electrode and a means for determining a characteristic of the particle or cell from the detected signal. Insofar as Heller et al. clearly did not anticipate the device of claim 1, Applicants respectfully submit that all of the claims should be examined.

Appl. No. 10/069,809
Amdt. dated February 24, 2006
Reply to Office Action of September 26, 2005

PATENT

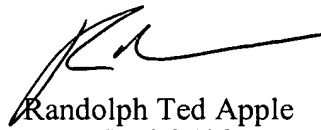
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

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Respectfully submitted,



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